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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robert N. Hamlin                          Art Unit : 1772  
Serial No. : 09/557,473                              Examiner : R. Dye  
Filed : April 24, 2000  
Title : MULTILAYER CATHETER BALLOON

Commissioner for Patents  
Washington, D.C. 20231

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REQUEST TO WITHDRAW NOTICE OF ABANDONMENT  
UNDER 37 C.F.R. § 1.8(b)

This request is in response to the Notice of Abandonment (copy enclosed) mailed December 17, 2002, which was issued in error.

The Notice of Abandonment indicated that the application was abandoned because of "Applicant's failure to timely file a proper reply to the Office letter mailed on 31 May 2002." Apparently, no reply has been received.

However, a Response to an Office Action mailed May 31, 2002, and a Petition for Three-Month Extension of Time, along with a check that covers the extension fee, were mailed by first class mail on December 2, 2002. Enclosed are copies of the Response, the Petition, a postcard stamped by the Patent Office, and a canceled check. The Response and the Petition include certifications that these documents were deposited with the United States Postal Service as first class mail with sufficient postage on December 2, 2002. The stamped postcard indicates that the Patent Office received the Response, the Petition, and the check on December 9, 2002. The canceled check indicates that it was processed on December 11, 2002.

Thus, Applicant submits that the Response to the Office Action was timely filed. The Notice of Abandonment was issued in error, and Applicant respectfully requests that it be withdrawn and the application be processed accordingly.

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

January 14, 2003

Date of Deposit

Kelly K. Hanlon

Signature

Kelly K. Hanlon

Typed or Printed Name of Person Signing Certificate

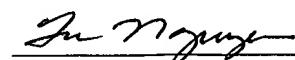
Applicant : Robert N. Hamlin  
Serial No. : 09/557,473  
Filed : April 24, 2000  
Page : 2

Attorney's Docket No.: 10527-003007 / PC7558F-US

Because the Notice of Abandonment was issued as a result of an error by the Patent Office, no fee is believed to be required. If that is not correct, please charge the required fees to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 14, 2003



Tu N. Nguyen  
Reg. No. 42,934

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Facsimile: (617) 542-8906

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## Attachment for PTO-948 (Rev. 03/01, or earlier) 6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

### INFORMATION ON HOW TO EFFECT DRAWING CHANGES

#### 1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

#### 2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, MUST be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings MUST be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

#### Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in ABANDONMENT of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

JJG  
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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,473	04/24/2000	Robert N. Hamlin	10527-003007	7841

26161 7590 12/17/2002

FISH & RICHARDSON PC  
225 FRANKLIN ST  
BOSTON, MA 02110



EXAMINER

DYE, RENA

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 12/17/2002

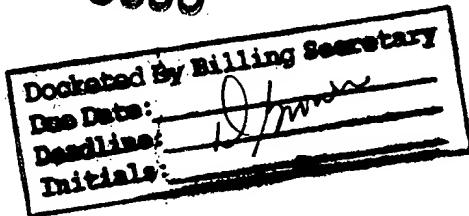
Please find below and/or attached an Office communication concerning this application or proceeding.

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Action Code	Abn. PTO Error
Base Date	12-17-02
Due Date	2-17-03
Deadline	
Initials	PEC On

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JAN 28 2003  
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## Notice of Abandonment

Application No.	Applicant(s)
09/557,473	HAMLIN, ROBERT N.
Rena L. Dye	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 31 May 2002.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
 

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.
 

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

Rena L. Dye  
Primary Examiner  
Art Unit: 3627

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Attorney's Docket No. 10527-003007	Express Mail Label No.	Mailing Date December 2, 2002	<b>For PTO Use Only</b> <i>Do Not Mark in This Area</i>
Application No. 09/557,473	Filing Date April 24, 2000	Attorney/Secretary Init TXN/dxc	
Title of the Invention <b>MULTILAYER CATHETER BALLOON</b>			
Applicant Robert N. Hamlin			
Enclosures <ul style="list-style-type: none"> <li>·Amendment/Response (6 pages)</li> <li>·Check in the amount of \$920.00</li> <li>·Petition for Extension of Time (3 months)</li> </ul>			

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12-11-2002  
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10627-0030071AC



Attorney's Docket No. 10527-003007	Express Mail Label No.	Mailing Date December 2, 2002	For PTO Use Only Do Not Mark in This Area
Application No. 09/557,473	Filing Date April 24, 2000	Attorney/Secretary Init TXN/dxc	
Title of the Invention <b>MULTILAYER CATHETER BALLOON</b>			
Applicant Robert N. Hamlin			
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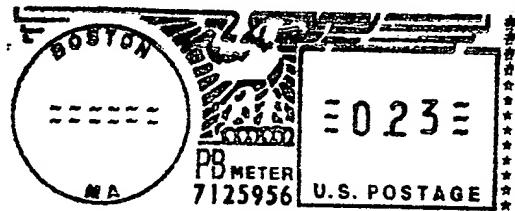
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